

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

EDWARD WINGFIELD,

Case No. 3:16-CV-00503-AA

Plaintiff,

ORDER

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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AIKEN, Judge:

Magistrate Judge Russo issued her Findings and Recommendation in the above-captioned action on January 25, 2017. Magistrate Judge Russo recommends that Commissioner's motion to dismiss should be denied and this matter should be reversed and remanded for further proceedings. The matter is now before me. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the magistrate judge's report. *See* 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore*

*Business Machines, Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Defendant filed objections, and plaintiff filed a response to defendant's objections. I have given *de novo* review of the Findings and Recommendation, and I find no error.

THEREFORE, IT IS HEREBY ORDERED that Magistrate Judge Russo's Findings and Recommendation (doc. 16) filed January 25, 2017 is ADOPTED. Defendant's Motion to Dismiss (doc. 11) is DENIED, and this case is REVERSED and REMANDED for further proceedings.

IT IS SO ORDERED.

DATED this 23<sup>rd</sup> day of March 2017.

  
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ANN L. AIKEN  
United States District Judge